

ADVISORY OPINION 2004-008

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

December 29, 2004

Mr. Edwin A. Davis
Trustee, Kentucky Retirement Systems
12004 Doe Ridge Place
Louisville, Kentucky 40229

Dear Mr. Davis:

This is in reference to your November 29, 2004 letter requesting an advisory opinion concerning whether, as a candidate for reelection to the post of Trustee for the Kentucky Retirement Systems, you are subject to campaign finance regulation as defined under KRS Chapter 121. You explain that you have received donations to help defray the expenses for your reelection to the Kentucky Retirement Systems, but you want an advisory opinion regarding your legal duties, if any, under KRS Chapter 121.

Elections for the board of trustees of the Kentucky Retirement Systems are governed by KRS 61.645(4), which provides that “trustees selected by the membership of each of the various retirement systems shall be elected by ballot ... distributed to eligible voters by mail...” KRS Chapter 121, which governs the campaign finance requirements for candidates for nomination or election to Kentucky public office, pursuant to KRS 121.015(2), defines “election” as “any primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or unopposed in an election.” (Emphasis added.)

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The election for the board of trustees of the Kentucky Retirement System is not a “primary, regular or special election” within the meaning of KRS 121.015(2). Therefore, the requirements of KRS Chapter 121 do not apply to candidates or nominees for the office of trustee to the board of trustees of the Kentucky Retirement Systems.

This advisory opinion represents the Registry's consideration of the circumstances presented in your letter. If you have any further questions, please do not hesitate to contact the Registry's staff.

Sincerely,

Rosemary F. Center
General Counsel

RFC/jh

Cc: Registry Members
Sarah M. Jackson, Executive Director